

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Docket No. C-2540/DC-35  
Public Service Commission )  
Communications Department seeking )  
an order to cease and desist ) COMPLAINT DISMISSED IN PART  
operations and to revoke the ) AND SETTING HEARING  
certificates of public convenience )  
and necessity issued to the )  
named defendants. ) Entered: August 21, 2001

BY THE COMMISSION:

The complaint in caption seeks an order revoking the operating authority of each of the defendants named in the petition filed in this matter. Said carriers failed to timely file an annual report pursuant to Neb. Rev. Stat. §86-807 (Reissue 1999). A copy of the complaint was mailed to each defendant via certified mail.

The defendants are telecommunications companies generally regulated by the Commission, pursuant to Neb. Rev. Stat. §75-101, et seq. (Reissue 1996) and §§ 86-801 to 86-811 (Reissue 1999). Defendants are also governed by Title 291 NAC Ch. 5 of the Commission's Rules and Regulations.

As part of its regulatory authority and pursuant to §86-807, the Commission, through its Communications Department, requires telecommunications companies which file an annual report with a federal agency to file a copy of the same report with the Commission on or before the date on which said report is filed with the federal agency. Every such company not required to file such a report with a federal agency is required to file an annual report with the Commission in a form prescribed by the Commission on or before April 30th of each year.

On or before July 11, 2001, several defendants agreed to a stipulation with the Commission or were otherwise administratively dismissed from the complaint.

Since that time, a number of additional defendants have signed similar stipulations with the Department wherein each defendant admits to filing its report late and agrees to pay an administrative fine in order to be dismissed from the departmental complaint. The signed stipulations are satisfactory and, therefore, the following defendants should be dismissed from the complaint:

ACSI Local Switched Services, Inc., dba e-Spire Communications  
Atlas Communications, Ltd.  
Caprock Telecommunications Corporation  
Claricom Networks, Inc.  
LD Exchange.com, Inc.  
NOW Communications, Inc.  
WWC License, LLC  
Western CLEC Corporation (Local Exchange and Interexchange Carrier)

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in the year 2002, regarding the filing of the 2001 report. If reports are not postmarked on or before April 30, 2002, the option of resolving the complaint through a stipulation will be closely scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

The above-named defendants have complied with the provisions of Neb. Rev. Stat. §86-807 (Reissue 1999) and have satisfactorily remitted an annual report for the year 2000; therefore, said defendants should all be dismissed from this complaint.

Furthermore, the following company will be dismissed because its certificate has been canceled:

Pathnet, Inc. (Local Exchange and Interexchange Carrier)

As all remaining defendants in this docket have failed to comply with Commission requirements, they are hereby ordered to appear at a hearing to show cause why their certificates of authority should not be revoked. The hearing in this matter shall be set for September 25, 2001, at 3:30 p.m. CDT in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that ACSI Local Switched Services, Inc., dba e-Spire Communications; Atlas Communications, Ltd.; Caprock Telecommunications Corporation; Claricom Networks, Inc.; LD Exchange.com, Inc.; NOW Communications, Inc.; WWC License, LLC; Western CLEC Corporation (Local Exchange and Interexchange Carrier) and Pathnet, Inc. (Local Exchange and Interexchange Carrier) be, and they are hereby, dismissed from the departmental complaint.

IT IS FURTHER ORDERED that a public hearing in this matter shall be set for September 25, 2001, at 3:30 p.m. CDT in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. All defendants who have not been dismissed from this complaint are to appear before the Commission for this public hearing.

IT IS FINALLY ORDERED that any defendant who has subsequently filed a satisfactory annual report may execute a stipulation with the Department similar to that offered to the above-named companies in an effort to obtain dismissal.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Docket No. C-2540/DC-35

PAGE 3

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of August, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Harold Johnson*

*Michael S. ...*  
Chairman

*Charles L. ...*

ATTEST:

*Anne C. Brife*

*And S. Pollack*  
Executive Director

*Frank E. Landis*  
//s//Frank E. Landis

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

---